

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TYRONE HURT,

No. C-12-3139 MMC

Plaintiff,

**ORDER CERTIFYING APPEAL NOT
TAKEN IN GOOD FAITH; REVOKING IN
FORMA PAUPERIS STATUS;
DIRECTIONS TO CLERK**

v.

GEORGE ZIMMERMAN, et al.,

Defendants.

Before the Court is a Referral Notice issued to this Court by the United States Court of Appeals for the Ninth Circuit, referring the above-titled matter for the limited purpose of determining whether plaintiff-appellant Tyrone Hurt's ("Hurt") in forma pauperis status should continue or be revoked. See 28 U.S.C. § 1915(a)(3) (providing "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith"); Coppedge v. United States, 369 U.S. 438, 445 (1962) (holding "'good faith' . . . must be judged by an objective standard"; noting "good faith" is demonstrated when appellant seeks review "of any issue not frivolous"). Having reviewed the file and considered the matter, the Court rules as follows.

By order filed July 5, 2012, the Court dismissed Hurt's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), finding the action was frivolous and Hurt had failed to state a claim on which relief may be granted. See 28 U.S.C. § 1915(e)(2) (providing, where

1 plaintiff proceeds in forma pauperis, "the court shall dismiss the case at any time if the
2 court determines that . . . the action or appeal . . . is frivolous . . . [or] fails to state a claim
3 on which relief may be granted"). Specifically, as the Court noted, "[Hurt] alleges no injury
4 to himself, but, rather, alleges that defendant George Zimmerman shot and killed Trayvon
5 Martin and 'should therefore, be placed into permanent exile from this Nation, (U.S.A.)'"
6 (see Order at 1:27-2:1 (quoting Compl. at 2)); the Court further found "[Hurt] fails to allege a
7 cognizable basis for his claim, and no such basis is apparent from the allegations" (see id.
8 at 2:1-2).


9 In his Notice of Appeal, Hurt, without further elaboration, identifies the issue on
10 appeal as whether "dismissing the complaint was an abuse of [the Court's] discretion."
11 (See Notice of Appeal at 1.) Hurt provides no basis, legal or factual, warranting
12 reconsideration of the Court's findings in support of such dismissal. The Court
13 consequently finds Hunt's appeal of its order is frivolous and taken in bad faith.

14 Accordingly, Hurt's in forma pauperis status is hereby REVOKED.

15 The Clerk shall serve a copy of this order on the United States Court of Appeals for
16 the Ninth Circuit.

17 **IT IS SO ORDERED.**

18
19 Dated: August 27, 2012

20 
21 MAKINE M. CHESNEY
22 United States District Judge
23
24
25
26
27
28